

भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 44] नई दिल्ली, मंगलवार, नवम्बर 27, 2001 / अग्रहायण 6, 1923
No. 44] NEW DELHI, TUESDAY, NOVEMBER 27, 2001 / AGRAHAYANA 6, 1923

इस भाग में विशेष पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 27th November, 2001:—

I

BILL No. LXXVIII OF 2001

A Bill to repeal the Tea Districts Emigrant Labour (Repeal) Act, 1970.

Be it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Tea Districts Emigrant Labour (Repeal) Repealing Act, 2001. Short title.

2. The Tea Districts Emigrant Labour (Repeal) Act, 1970 is hereby repealed. Repeal of Act 50 of 1970.

STATEMENT OF OBJECTS AND REASONS

The Tea Districts Emigrant Labour (Repeal) Act, 1970 repealed the Tea Districts Emigrant Labour Act, 1932. However, the Tea Districts Emigrant Labour (Repeal) Act, 1970 retained the right of repatriation provided under section 12 of the Tea Districts Emigrant Labour Act, 1932 subject to the following conditions, namely:—

(i) if on the commencement of the Tea Districts Emigrant Labour (Repeal) Act, 1970, a three years period of stay of an emigrant labourer, who entered Assam after the 3rd August, 1960 had expired, he was given a period of six months from the commencement of the Act to exercise the right of repatriation; or

(ii) if three years period of stay of an emigrant labourer who entered Assam before the commencement of Act of 1970 expired after the commencement of the said Act, then he could exercise the right of repatriation within six months of the expiry of such period of three years.

2. As the period mentioned in paragraph 1 above has expired, the Tea Districts Emigrant Labour (Repeal) Act, 1970 is no longer required.

3. The Commission on Review of Administrative Laws, under the Chairmanship of Shri P.C. Jain, has also recommended repeal of the Tea Districts Emigrant Labour (Repeal) Act, 1970.

4. The Bill, accordingly, seeks to repeal the Tea Districts Emigrant Labour (Repeal) Act, 1970.

SHARAD YADAV.

II

BILL No. LXXIX OF 2001

A Bill further to amend the Institutes of Technology Act, 1961.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Institutes of Technology (Amendment) Act, 2001.

(2) It shall be deemed to have come into force on the 21st day of September, 2001.

Short title and commencement.

2. In section 2 of the Institutes of Technology Act, 1961 (hereinafter referred to as the principal Act), for the words “Kanpur and the Indian Institute of Technology, Madras”, the words “Kanpur, the Indian Institute of Technology, Madras and the Indian Institute of Technology, Roorkee” shall be substituted.

Amendment of section 2.

3. In section 3 of the principal Act,—

Amendment of section 3.

(a) in clause (c),—

(i) the word “and” appearing at the end of sub-clause (ii) shall be omitted;

(ii) in sub-clause (iii), after the words “the Indian Institute of Technology, Madras;”, the word “and” shall be inserted; and

(iii) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iv) in relation to the University of Roorkee, Roorkee, the Indian Institute of Technology, Roorkee;”;

(b) after clause (k), the following clause shall be inserted, namely:—

'(l) "University of Roorkee" means the University of Roorkee established under the Roorkee University Act, 1947.'.

Amendment of
section 4.

4. In section 4 of the principal Act, after sub-section (1B), the following sub-section shall be inserted, namely:—

U.P. Act
IX of 1948.

"(1C) The University of Roorkee, Roorkee shall, on such incorporation, be called the Indian Institute of Technology, Roorkee.".

Insertion of
new section
5A.

Effect of
incorporation
of Institute of
Technology,
Roorkee.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. On and from the commencement of the Institutes of Technology (Amendment) Act, 2001,—

(a) any reference to the University of Roorkee in any law (other than this Act) or in any contract or other instrument shall be deemed as a reference to the Indian Institute of Technology, Roorkee;

(b) all property, movable and immovable, of or belonging to the University of Roorkee, shall vest in the Indian Institute of Technology, Roorkee;

(c) all rights and liabilities of the University of Roorkee shall be transferred to, and be the rights and liabilities of, the Indian Institute of Technology, Roorkee;

(d) every person employed by the University of Roorkee immediately before such commencement shall hold his office or service in the Indian Institute of Technology, Roorkee by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Indian Institute of Technology, Roorkee in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Indian Institute of Technology, Roorkee of compensation on equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees:

Provided further that any reference, by whatever form of words, to the Vice-Chancellor and Pro-Vice-Chancellor of the University of Roorkee in any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Director and the Deputy Director, respectively, of the Indian Institute of Technology, Roorkee; and

(e) on the commencement of the Institutes of Technology (Amendment) Act, 2001, the Vice-Chancellor of the University of Roorkee, appointed under the provisions of the Roorkee University Act, 1947 shall be deemed to have been appointed as Director under the Act, and shall hold office for a period of three months or till such time the Director is appointed, whichever is earlier.

U.P. Act
IX of 1948.

Explanation.—The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology, Roorkee as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2001 come into force.”.

6. In section 38 of the principal Act,—

Amendment of
section 38.

(a) after clause (d), the following clauses shall be inserted, namely:—

(e) the Syndicate of the University of Roorkee functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for the Indian Institute of Technology, Roorkee under this Act, but on the constitution of a new Board under this Act, the members of the Syndicate holding office before such constitution shall cease to hold office;

(f) the Academic Council of the University of Roorkee functioning as such immediately before the commencement of this Act shall continue to so function until a new Senate is constituted for the Indian Institute of Technology, Roorkee under this Act, but on the constitution of a new Senate under this Act, the members of the Academic Council holding office before such constitution shall cease to hold office;

(g) until the first Statutes and the Ordinances in relation to the Indian Institute of Technology, Roorkee are made under this Act, the Statutes and Ordinances of the Indian Institute of Technology, Bombay as in force immediately before the commencement of the Institutes of Technology (Amendment) Act, 2001 shall apply to the Indian Institute of Technology, Roorkee with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

(h) notwithstanding anything contained in the Institutes of Technology (Amendment) Act, 2001, any student who joined classes of the University of Roorkee on or after the commencement of 1994-95 academic session shall, for the purpose of clause (b) of sub-section (1) of section 6, be deemed to have pursued a course of study in the Indian Institute of Technology, Roorkee provided that such student has not already been awarded degree or diploma for the same course of study;

(i) if any difficulty arises in giving effect to the provisions of the Institutes of Technology (Amendment) Act, 2001, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this clause after the expiry of two years from the commencement of the Institutes of Technology (Amendment) Act, 2001:

Provided further that every order made under this clause shall be laid, as soon as may be after it is made, before each House of Parliament.”;

(b) *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

Explanation 2.—The reference in clause (e) and (f) of this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology, Roorkee as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2001 come into force.”

7. (1) The Roorkee University Act, 1947 is hereby repealed.

Repeal and
savings.

(2) The provisions of the General Clauses Act, 1897 shall apply to the repeal of the said Act as the said Act were a Central Act.

(3) The Institutes of Technology (Amendment) Ordinance, 2001 is hereby repealed.

(4) Notwithstanding such repeal, anything done or any action taken under the repealed Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Ord.
6 of 2001.

STATEMENT OF OBJECTS AND REASONS

The need for conversion of the University of Roorkee, a State University in the State of Uttarakhand, into an Indian Institute of Technology (IIT) and its integration with IIT system was felt for some time past. This is in line with the overall thinking of the Central Government to have more IIT level institutions by upgrading existing institutions imparting technical education. Excellent track record of the University of Roorkee and its inherent technical strength and capabilities compare favourably with that of the existing IITs. In fact, there are many areas of technical competence where IIT system is likely to benefit immensely from the University of Roorkee integrating into IIT system. The State of Uttarakhand will benefit with the presence of IIT within its geographical jurisdiction with higher level of technical competence, *inter alia*, in areas like earthquake engineering, water resource management and hydropower development.

2. The Expert Committee constituted by the Government of India to assess the academic, administrative and financial requirements for conversion of the University of Roorkee into an IIT had recommended that admissions to under-graduate programme for the year 2002-2003 should be held through a joint entrance examination in the year 2002 along with other IITs.

3. As Parliament was not in session, and there was urgency, the Institutes of Technology (Amendment) Ordinance, 2001 was promulgated by the President on 21st September, 2001 to convert the University of Roorkee into an IIT and its integration with the IIT system and it was declared as an institution of National importance. The Roorkee University Act, 1947 was also repealed by the said Ordinance.

4. The Bill seeks to replace the aforesaid Ordinance.

MURLI MANOHAR JOSHI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for conversion of the University of Roorkee into an Indian Institute of Technology and its declaration as an institution of National importance. The estimated non-recurring expenditure for upgradation of infrastructure and facilities for conversion of the University of Roorkee into an Indian Institute of Technology would be about Rs. 150 crore during the period of 9th Five Year Plan and 10th Five Year Plan. The recurring expenditure would be approximately Rs. 50 crore per annum. The expenditure would be met from the Consolidated Fund of India through the budgetary provision under the Department of Secondary and Higher Education, Ministry of Human Resource Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (a) of clause 6 of the Bill inserts new clause (g) in section 38 of the Act which empowers the Institutes of Technology to make Statutes and Ordinances. New Clause (j) empowers the Central Government by order to remove certain difficulties which may appear to it to be necessary or expedient. Further, such order is not to be made under the said clause after the expiry of a period of two years from the commencement of this Act. Every such order shall be laid before each House of Parliament.

2. The matters in respect of which the Statutes, Ordinances or orders may be made or issued are matters of administrative details and procedure and, as such the delegation of legislative power is of a normal character.

R.C. TRIPATHI,
Secretary-General.